

IN THE FEDERAL DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED
JAMES E. DONINI

04 MAR 30 PM 5:10

ROSEANN TERAMANA,
976 Betty Zane Road
Wheeling, WV 26003

Plaintiff,

v.

OHIO DEPARTMENT OF REHABILITATION,
AND CORRECTIONS, BELMONT
CORRECTIONAL INSTITUTION,
AGENT FOR SERVICE
Jim Petro, Attorney General
140 East Town Street, 14th Floor
Columbus, Ohio 43215
Defendant.

CASE NO.

JUDGE

MAGISTRATE JUDGE

MAGISTRATE JUDGE KING

C2 04 239
JUDGE GRAHAM

PLAINTIFFS' COMPLAINT
(Jury Demand Endorsed Hereon)

JURISDICTION

1. Jurisdiction is proper in this Court pursuant to 42 U.S.C. § 2000 et seq., Title VII of the Civil Rights Act of 1964, as amended in 1991 and pursuant to 42 U.S.C. § 12101 et seq., Americans with Disabilities Act as Plaintiff is alleging that she was discriminated against by Defendant because of her gender and disability, and retaliated because of her denial of the sexual advances of her supervisor and need for disability leave.

2. Venue is proper in this Court as all events giving rise to this cause of action occurred in the Southern District of Ohio, Western Division.

FACTS COMMON TO ALL COUNTS:

3. Plaintiff, a female, was employed with Defendant Belmont Correctional Institution (hereinafter "Belmont") for approximately eight (8) years as a Secretary until her termination on May 16, 2003.

4. Plaintiff was supervised by Mr. Charles Ford (hereinafter "Ford").

5. Ford, African American, regularly made inappropriate sexual comments and advances to Plaintiff while he was her supervisor. For example, Ford would ask Plaintiff if she "had any black in [her]. Ford would follow this by asking, "would you like some?"

6. Ford regularly made comments such as: "Boy, you have a sweet ass," "I bet if I would take you into the Resource Library I could really show you what a real man looks like," "if you would meet me outside of this place, I could show you what 'Big Daddy' has to offer," "we could have a really good time together," "cross your legs the other way," "are you wearing any underwear today," "there are two other women in this institution that I would like to do and that is Lori [Taylor] and Cindy [Biedenbach] - Cindy has the nicest ass and really firm breasts - how I would love to get my hands on them."

7. Ford regularly attempted to try to look down Plaintiff's blouse and would ask Plaintiff to scratch his back.

8. Ford told Plaintiff that it was about time he got a good looking secretary and that he would make it enjoyable for Plaintiff to work for him. Ford would frequently look at Plaintiff and say, "I really need to behave myself, I need to stop thinking those thoughts."

9. When Ford made comments Plaintiff did her best to ignore them and always spurned his sexual advances.

10. Plaintiff has a history of depression. As a result of the environment created by Ford, Plaintiff's depression was exacerbated. Plaintiff was forced to take time off from September 2002 until January 2003 for personal reasons. Upon her return, Ford removed Plaintiff from her position and demoted her to a less desirable job. Also, after her return, Ford began a campaign of discipline against Plaintiff for things she did not do or for things for which similarly situated others were not disciplined.

11. As a result of Ford's discipline campaign towards Plaintiff, Plaintiff's depression was again exacerbated. Resultantly, Plaintiff went of on disability on April 11, 2003. While she was off, on May 16, 2003, Defendant terminated Plaintiff for allegedly falsifying a state document – which was not true.

12. Through understanding and belief, Ford has a history of sexually harassing employees and has been moved from other state institutions to Belmont as a result.

13. Plaintiff filed a charge of discrimination with the Equal Employment opportunity Commission and has received a right to sue letter. A copy of which is attached.

Count One:

14. Plaintiff hereby incorporates paragraphs 1 through 13 above as if fully restated herein.

15. Defendant created an environment that was severely and pervasively sexually abusive towards Plaintiff.

16. Plaintiff has stated a cause of action for sexual harassment pursuant to 42 U.S.C. § 2000 et seq., Title VII of the Civil Rights Act and the United States Supreme Court decisions in *Burlington Industries v. Ellerth* and *Faragher v. City of Boca Raton* as against Defendant.

Count Two:

17. Plaintiff hereby incorporates paragraphs 1 through 16 above as if fully restated herein.

18. Plaintiff is an individual with a qualified handicap under the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.

19. Defendant held Plaintiff to a different standard as compared to non-handicap individuals and terminated Plaintiff due to her disability. Defendant replaced Plaintiff with a non-handicapped individual.

20. Plaintiff has stated a cause of action pursuant to 42 U.S.C. § 12101 et seq. as against Defendant.

Count Three:

21. Plaintiff hereby incorporates paragraphs 1 through 20 above as if fully restated herein.

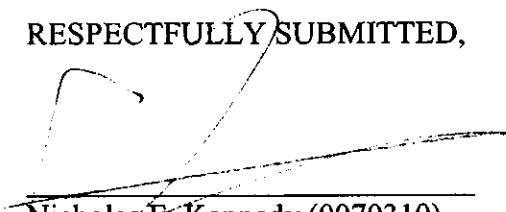
22. Defendant retaliated against Plaintiff because of her refusal to submit to Ford's sexual advances and for her use of sick leave.

23. Plaintiff has stated a cause of action for retaliation.

WHEREFORE, Plaintiffs respectfully request that this Court order the following Judgment for each Plaintiff:

1. Compensatory damages in the amount of \$200,000 on each count;
2. Non-economic damages in the amount of \$200,000 on each count;
3. Injunctive relief, costs, attorney fees, pre-and post-judgment interest and all other relief that this Court deems just and equitable.

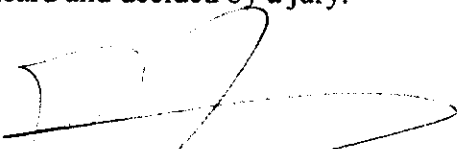
RESPECTFULLY SUBMITTED,



Nicholas E. Kennedy (0070310)
KENNEDY&KNOLL
3040 Riverside Drive, Suite 103
Columbus, Ohio 43221
(614) 488-1161 telephone
(614) 488-5003 facsimile
Trial Attorney for Plaintiff

JURY DEMAND

Plaintiffs, by and through their undersigned Counsel, hereby demand a jury to hear and decide all issues that may be heard and decided by a jury.



Nicholas E. Kennedy (0070310)
KENNEDY & KNOLL
3040 Riverside Drive, Suite 103
Columbus, Ohio 43221
(614) 488-1161 telephone
(614) 488-5003 facsimile

Trial Attorney for Plaintiff

Tue Mar 30 16:19:30 2004

UNITED STATES DISTRICT COURT

COLUMBUS, OH

Receipt No. 200 240026
Cashier bbl

Check Number: 1310

DO Code Div No
4661 2

Sub Acct	Type	Tender	Amount
1:510000	N	2	90.00
2:006900	N	2	60.00

Total Amount \$ 150.00

NEW CASE

C2-04-239

n

JS 44
(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I (a) PLAINTIFFS

Roseann Teramana

DEFENDANTS C2 04 239

Ohio Dept. of Rehabilitation
and Correction, Belmont
Correctional Institution(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

Out of State

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Belmont
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Nicholas E. Kennedy
KENNEDY&KNOLL
3040 Riverside Drive, Suite 103
Columbus, Ohio 43221
(614) 488-1161

ATTORNEYS (IF KNOWN)

MAGISTRATE JUDGE KING

JUDGE BARNHART

II. BASIS OF JURISDICTION

(PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX
FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY

42 U.S.C. Sec 2000
Title VII, 42 U.S.C. Sec
12101 et seq.

Plaintiff is alleging that she was discriminated against by Defendant because of gender and disability and because of her denial of sexual advances of her superior and need for disability leave.

V. NATURE OF SUIT

(PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DMC/DNWW (406(g)) <input type="checkbox"/> 864 SSIO Title XVI <input type="checkbox"/> 865 RSI (406(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 560 Civil Rights		

VI. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
☐ UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

UNITED STATES DISTRICT COURT